



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Handwritten mark resembling a stylized 'X' or '2' with a small circle above it.

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/083,058 | 02/25/2002 | Svend Havelund | 5386.224-US | 6987 |

23650 7590 04/18/2005

NOVO NORDISK, INC.
PATENT DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

EXAMINER

GUPTA, ANISH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1654

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

| APPLICATION NO/ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|--------------------------------|-------------|---------------------------------------------------|---------------------|
|--------------------------------|-------------|---------------------------------------------------|---------------------|

| |
|----------|
| EXAMINER |
|----------|

| |
|----------|
| ART UNIT |
|----------|

| |
|-------|
| PAPER |
|-------|

20050404

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. Newly submitted claims 70-94 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

In the preliminary amendment, filed on 2-25-05, Applicants canceled claims 1-60 and added claims 61-69. All of these claims were drawn to a product of water-soluble aggregate of an insulin derivative. In the last response, filed 3-8-05, Applicants canceled 61-69 and added claims 70-94 all drawn to a method of producing a pharmaceutical preparation of a derivative of human insulin. The newly submitted claims could have been the basis of a restriction based on the product and product of making distinction. When inventions are related as process of making and product made, the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by the process disclosed by Norup et al. (US 5866538), cited in the previous office action, in examples II-III, which is materially distinct from the claimed method.

The amendment filed on 3-8-05 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because for the reasons set forth above.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (571)272-0965. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, can normally be reached on (571) 272-0974. The fax phone number of this group is (571)-273-8300.

Anish Gupta
Patent Examiner